

REMARKS

Applicant appreciates the courtesies extended to applicant's representative by the Examiner during a telephone interview conducted on October 7, 2004. Claims 1-6 and 8-18, as amended, and new claim 19 appear in this application for the Examiner's review and consideration. Claim 7 has been canceled from consideration with the present application without prejudice to pursue the subject matter of that claim in one or more continuation or divisional applications. The claims have been amended and claim 19 has been added in accordance with the discussions during the interview and to more clearly define the scope of coverage sought by the present application. All of the amended claims and the new claim are supported by the claims as originally filed, in particular claims 2 and 7, and the specification at, for example, the title, page 4, lines 3-9, page 5, lines 5-11 and page 5, line 26 to page 6, line 7. As these amendments do not introduce any new matter, their entry at this time is warranted.

Claims 1-9, and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over, U.S. patent no. 6,484,442 to Weder for the reasons stated on page 2 of the Office Action. It was asserted that Weder discloses a sheet of material with unfolded and folded positions, a plurality of lines to fold the sheet in a pre-defined sequence, visual indicia and printing means. It was also asserted that the indicia directs the operator to provide fold pleats at predetermined portions which reads on the markings being arranged to compliment the folded shape of the sheet and that a plurality of fold pleats reads on a plurality of lines to form distinct packages based upon folding sequence. Applicant asserts that these rejections have been overcome for the reasons that follow.

Weder is directed to sheets of material having forming indicia for forming into flower pot or plant covers and teaches that any thickness of the sheet of material may be utilized ... as long as the sheet of material is wrappable about an object such as a flower pot or a plant contained in a growing medium (col. 4, lines 30-33). The decorative cover is created by folding, gathering and/or crimping the sheet of material as designated by the forming indicia.

By contrast, as currently recited in claim 1, the present invention is directed to a pre-folded flower wrap comprising a sheet of material that comprises a plurality of scored intersecting lines defining a distinct folding sequence corresponding to a pre-determined shape for the pre-folded flower wrap. The pre-folded flower wrap comprises the appearance

of being wrapped by hand. Weder neither discloses nor teaches various features of the present invention and therefore does not anticipate the claims as currently recited. Weder fails to teach or disclose any forming indicia that are a plurality of scored intersecting lines.

In addition, there is no teaching or suggestion in Weder of providing forming indicia that provide for a distinct folding sequence corresponding to a pre-determined shape. As defined by The American Heritage Dictionary based on the new second college edition, a copy of which is enclosed herewith, a sequence is an "order of succession". Therefore, in addition to indicating the location of folds, the sequence indicates the order in which the folds are made. As currently recited in the claims, this sequence corresponds to the desired pre-determined shape of the pre-folded wrap. Therefore, the scored intersecting lines of the present invention define a distinct sequence, or order of succession, for folding the sheet of material to achieve the pre-determined shape of the pre-folded flower wrap. The marking indicia in Weder provide no indication or suggestion of an order to be used in creating a flower pot or plant cover. In fact, any one of a number of folding sequences can be used with the sheets of materials disclosed in Weder to arrive at the same flower pot or plant cover. Varying the folding sequence used accordance with the present invention yields a different pre-determined shape or appearance.

Moreover, the marking indicia in Weder do not provide for a plurality of different pot or plant covers based upon a chosen sequence of marking indicia. As taught in Weder, all of the marking indicia on a given sheet of material are used to make a single pot or plant cover, and the same pot or plant cover is obtained regardless of the sequence in which the sheet of material is folded or gathered with respect to the marking indicia. Therefore, Weder fails to teach or disclose either a distinct folding sequence corresponding to a pre-determined shape or a plurality of distinct folding sequences corresponding to a plurality of pre-determined shapes as recited in claim 11.

In addition to not anticipating the present invention as currently recited in claim 1, Weder does not render the present invention obvious. Weder is directed to sheets of materials to be used to make covers for flower pots and plants contained in a growing medium. Weder is not directed to the pre-folded flower wraps of the present invention. The pre-folded flower wraps in accordance with the present invention provide the end-user with an easy to use, consistently shaped wrap for flowers, flower bundles and potted plants. Therefore, the time and effort associated with wrapping a bunch of flowers at the time of

purchase using one or more flat sheets of material is eliminated. Moreover, the pre-determined shape of the pre-folded flower wraps of the present invention are provided consistently and uniformly, eliminating inconsistencies in the shape of flower wrappings resulting from user error or inexperience. An additional benefit is provided by the pre-folded flower wraps having an appearance of being wrapped by hand. For example, flower sleeves provide ease of use; however, flower sleeves lack the aesthetics of a hand-wrapped bouquet. Pre-folded flower wraps in accordance with the present invention combine the ease of use of a flower sleeves with the desired aesthetics of hand-wrapping.

Weder fails to provide any teaching or suggestions of providing flower wraps having a hand-wrapped appearance in combination with improved ease of use. In fact, Weder is directed not to hand-wrapped floral arrangements and plants but to specifically shaped covers for flower pots. Moreover, there is no teaching or suggestion of the use of a particular folding sequence to achieve a desired shape or of the use of multiple distinct folding sequences in a sheet of material corresponding to a plurality of distinct shapes as recited in claim 11. Weder does not indicate the importance of following a particular sequence, and multiple sequences can be used to arrive at the same flower pot cover. The plurality of scored intersecting lines in the present invention defines a distinct folding sequence corresponding to the pre-determined shape. This folding sequence provides the additional benefits of maintaining the pre-folded flower wrap in the folded state and in quickly and consistently re-folding the sheet of material into the pre-folded flower wrap if the pre-folded flower wrap becomes unfolded. The ability to maintain the pre-folded shape or to guide folding provides the additional benefit of allowing the pre-folded sheet to be fastened by the end user. Therefore, one of ordinary skill in the art looking for an improved hand-wrapped flower wrap would not look to Weder. In fact, even given the disclosure of Weder, one of ordinary skill in the art would not anticipate success in making the pre-folded flower wraps of the present invention.

The dependent claims contain additional recitations that further define the present invention over Weder. For example, as currently recited in claim 6, the pre-determined shape is generally conical having an open top and bottom. None of the illustrations in Weder shows an open top and open bottom. In fact, the covers of Weder are intended for potted plants and growing medium, indicating that a closed bottom is preferable to hold the pot and any water that is applied to the plant. Claim 9 recites markings disposed across the sheet of material and arranged to produce a selected appearance when the sheet of material is in the folded position

and to compliment the pre-determined shape of the pre-folded flower wrap. These markings are in addition to the visual indicia. The forming indicia of Weder directs an operator as to the location of folds and pleats. However, there is no teaching or suggestion in Weder that these forming indicia compliment the overall appearance of the flower pot cover as recited in claim 9. In addition, there is no suggestion in Weder of markings in addition to the visual indicia that work to compliment the pre-determined shape of the flower pot cover as in the present invention. Therefore the rejections of claims 1-9 and 11 under 102(e) and 103(a) with respect to Weder have been overcome and should be withdrawn.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Weder for the reasons given on page 3 of the Office Action. It was stated that it is well known in the art to have translucent appearances for aesthetic purposes and that it would have been obvious to provide Weder with a generally inner translucent appearance for aesthetic appeal. Applicant respectfully disagrees with this rejection for the reasons that follow.

Claim 10 recites that the markings disposed across the sheet of material are arranged to produce an appearance of a generally translucent inner wrap surrounded by a generally transparent outer wrap. There is no suggestion or teaching in Weder of the use of various types of colors or materials to produce a distinct appearance in the flower pot cover. In fact, even if transparent materials were disclosed in Weder, one of ordinary skill in the art would not have arrived at a generally translucent inner wrap surrounded by a general transparent outer wrap, because none of the illustrated arrangements in Weder show any type of inner wrap surrounded by an outer wrap. The appearance of two layers of wrap, a translucent inner wrap and a transparent outer wrap, contribute to the benefits of providing an easy to use flower wrap with an aesthetically pleasing, hand-wrapped appearance. This combination of multiple layers and the hand-wrapped appearance of the pre-folded flower wrap produce the appearance of bunch of flowers that are hand wrapped by a layer of tissue paper followed by a layer of transparent film in a pre-folded product. As currently recited in claim 19, the sheet of material comprises a single layer. Therefore, a pre-folded multi-layered flower wrap is produced from a single layer of material. Thus, one of ordinary skill in the art would not look to Weder to produce a pre-folded flower wrap having a multi-layered appearance, and even given the disclosure of Weder, one of ordinary skill in the art would not anticipate success in producing a pre-folded flower wrap having the appearance of a generally translucent inner

wrap surrounded by a generally transparent outer wrap. Therefore, this rejection is misplaced and should be withdrawn.

Claims 12-14 and 17-18 were rejected under 35 U.S.C. § 102(c) as anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over, U.S. patent no. 3,713,576 to Goebel for the reasons given on page 3 of the Office Action. Although stated as a rejection under 35 U.S.C. § 102(c), the Examiner clarified that the rejection is under 35 U.S.C. § 102(b). In addition, claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goebel for the reasons given on pages 3 and 4 of the Office Action. It was asserted that Goebel shows a method for making a sheet of material including folding the sheet defined by a plurality of intersecting lines to form a package having a predetermined shape. It was further asserted that Goebel discloses that the material is flat and may be shipped flat and contains a fastening means. It was also asserted that the use of metallic dies and the forming of a plurality of score lines simultaneously would have been obvious to one of ordinary skill in the art. Applicant asserts that these rejections have been overcome for the reasons that follow.

Goebel is directed to a cylindrical carton made from a folded sheet of flexibly stiff carton material to be used to merchandise and protect a consumer product having a circular edge which must be maintained blemish free about its entire circumference such as hats, wigs and various types of clothing. The cylindrical carton comprises a body originally comprising a die cut or otherwise shaped, substantially rectangular, flat sheet of flexibly stiff carton material such as paperboard having side margins and end margins. The end margins are provided with a cooperating network of creased and/or perforated scores which makes possible folding the margins inwardly to create the desired end closures to permit flexing the body portion of the carton into a cylindrical contour. In order to assemble the carton, a flat, cylindrical-forming blank is formed and glued. When use of the carton is contemplated, the body portion is flexed into substantially cylindrical form, and the end closing surfaces are formed by folding the margins along the score lines. The end closure sections are wedged together, bracing each other in a self-sustaining condition and maintaining a constant radius of the carton surface.

By contrast, the present invention as currently recited in claim 12 is directed to a method for making a pre-folded, secured flower wrap for use in packaging flowers and potted plants that includes folding a sheet of material across a plurality of intersecting lines in

accordance with a distinct folding sequence to form the pre-folded flower wrap having an appearance of being wrapped by hand, securing in the pre-determined shape and shipping the secured, pre-folded flower wrap. As currently recited in claim 18, the method for making the pre-folded, secured flower wrap includes scoring the plurality of intersecting lines defining the distinct folding sequence, applying a fastening means and shipping in an unfolded shape. Goebel is not directed to and fails to disclose any type of pre-folded flower wrap or the use of the cylindrical carton to hold flowers. In addition, the cylindrical cartons of Goebel do not have the appearance of being wrapped by hand. In fact, the teaching of Goebel is directed to providing protection to the items contained within the cylinder and the aesthetics of the cylinder or of the contents in combination with the cylinder are not considered.

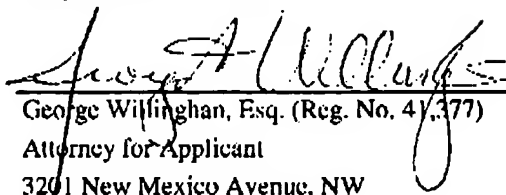
In the process of assembling the cylindrical carton of Goebel, the cylinder is partially folded, secured, flattened and shipped. The end user forms the flattened partially folded sheet into a cylinder and completes the end folds. There is no teaching or suggestion of providing a pre-folded flower wrap that is secured and shipped so that the end-user does not have to perform any additional folds. In addition, the teachings of Goebel do not indicate that the sheet is to be scored and shipped completely unfolded. Goebel specifically teaches the use of an intermediate folded state for shipping and provides longitudinal scores expressly for this purpose. Goebel further fails to disclose a distinct folding sequence associated with a pre-determined folded shape. The end closures of Goebel can be formed by folding the margins along the scored lines in any one of a number of different orders. Claims 13-17 depend either directly or indirectly from claim 12 and are patentable over Goebel for the reasons given above. In addition, these claims contain additional recitations that further define the present invention over Goebel. Therefore, one of ordinary skill in the art would not think to look at Goebel for the method of making the pre-folded and secured flower wraps of the present invention, and even given the disclosure of Goebel, one of ordinary skill in the art would not anticipate success in practicing a method for making a pre-folded and secured flower wrap in accordance with the present invention. Therefore, applicant respectfully asserts that these rejections should be withdrawn.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. A petition for a one month extension of time from December 3, 2004 to January 3, 2005 for submission of this Amendment along with provisions for the payment of the prescribed fee is enclosed herewith. No additional fees are

believed due for the submission of this amendment since the total number of claims as-amended is less than 20 and the total number of independent claims is less than 3.

Respectfully submitted,

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Enclosures